



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

JH

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,078	11/03/2000	David Forrest Squires	XXT-064 (D/A 147)	6149
7590	12/20/2005		EXAMINER	
PATRICK R. ROCHE FAY, SHARPE, FAGAN MINNICH & MCKEE LLP 1100 SUPERIOR AVENUE 7TH FLOOR CLEVELAND, OH 44114-2518			PWU, JEFFREY C	
			ART UNIT	PAPER NUMBER
			2143	
			DATE MAILED: 12/20/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/706,078	SQUIRES ET AL.	
	Examiner	Art Unit	
	Jeffrey C. Pwu	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 9/26/2005 Amendment.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3,6-9,11,17-21,25,26,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,6-9,11,17-21, 25, 26, 29 and 30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 and 9 recite the limitation "the job". There is insufficient antecedent basis for this limitation in the claim.

3. Claim 1 recites the limitation "said sub-job" in lines 18 and 20. There is insufficient antecedent basis for this limitation in the claim.

4. Claims 1 and 9 recite the limitation "the necessary input". There is insufficient antecedent basis for this limitation in the claim.

5. Claims 1 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is vague and indefinite because it is unclear of the limitation "by identifying operational steps and the sequence of these operational steps necessary to complete said document processing job". It is unclear what are the operational steps that are necessary in completing the document job processing?

6. Claim 1 is further rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Claim 1 is vague and indefinite because it is unclear of the limitation “necessary input”. It is not clear what is being required, or necessary, to supply the device within a plurality of devices to request work sending authorization to the controller.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 17-21 are rejected under 35 U.S.C. 102(e) as being unpatentable over Bengton (US 6,728, 947).

Bengton teaches a method for assigning sub-jobs to available cells in a printing workflow system for coordinating document processing jobs, wherein each of the available cells is comprised of at least one device for printing a product-type, the method comprising:

- identifying maximum capacity of each of the available cells to print the product-type; (12)
- identifying current loading of each of the available cells to print product-type; (20)
- determining based on the maximum capacity and current loading of each of the available cells a current capacity of each of the available cells to print the product-type; (“processing device

“12” • determines, based on the maximum capacity and current loading of each of the available cells, a current capacity of each of the available cells to print the product-type)

- assigning at least one of the available cells for printing the product-type based on the current capacity of each of the available cells. (col.5, lines 28-61)
- wherein the print workflow system stores the maximum capacities of each of the available cells in the print workflow system. (col.5, lines 28-61)
- a pull-type control policy for determining whether a cell can be assigned new document processing jobs. (12)
- wherein the print workflow system updates the current loading of each available cells. (116a, 116b)
- wherein the print workflow system updates the maximum capacity. (col.5, line 45-col.6, line 65)

Allowable Subject Matter

9. Claims 1 and 9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

10. Applicant's arguments with respect to claims 1, 3, 6-9, 11, 25-26, and 29-30 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's arguments with respect to claims 17-21 have been fully considered but they are not persuasive. Applicant contends that the Examiner's cited Prior art reference does not correspond to elements used by the Applicant. In contrary, because the claim language are broad enough to read on the teachings of the prior art, Bengton reference, therefore discloses all of claims 17-21, namely,

“identifying maximum capacity of each of the available cells to print the product-type”

(12)

“identifying current loading of each of the available cells to print product-type” (20; the communication channel 10 carries status information from the processing devices 12 back to an observing device 18 and/or any other device for observing the progress of the workflow. For example, an observer could be a personal computer with a graphical representation of a workflow file. As the workflow progresses, portions of the graphical representation may be highlighted to indicate the progression of the sequence of process steps. Status information may include reports of normal and erroneous process step completion and/or any other information regarding the workflow. Means for transmitting and/or receiving status data, or any other data, may be provided in any or all of the processing devices 12 and/or any number of observing devices 18. Further, status data or any other data may be transmitted and/or received by software and/or a circuit, as is well known to persons of ordinary skill in this art.)

“determining based on the maximum capacity and current loading of each of the available cells a current capacity of each of the available cells to print the product-type;

(“processing device “12” determines, based on the maximum capacity and current loading of each of the available cells, a current capacity of each of the available cells to print the product-type)”

“assigning at least one of the available cells for printing the product-type based on the current capacity of each of the available cells”. (col.5, lines 28-61)

“wherein the print workflow system stores the maximum capacities of each of the available cells in the print workflow system” (col.5, lines 28-61)

“a pull-type control policy for determining whether a cell can be assigned new document processing jobs” (12)

“wherein the print workflow system updates the current loading of each available cells” (116a, 116b)

“wherein the print workflow system updates the maximum capacity” (col.5, line 45- col.6, line 65)

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


12/9/05

JEFFREY PWU
ART UNIT 2143